

APPEAL

**U.S. District Court**  
**District of Rhode Island (Providence)**  
**CIVIL DOCKET FOR CASE #: 1:25-cv-00039-JJM-PAS**

State of New York et al v. Trump et al  
Assigned to: Chief Judge John J. McConnell, Jr.  
Referred to: Magistrate Judge Patricia A. Sullivan  
Cause: 05:551 Administrative Procedure Act

Date Filed: 01/28/2025  
Jury Demand: None  
Nature of Suit: 899 Other Statutes:  
Administrative Procedures Act/Review or  
Appeal of Agency Decision  
Jurisdiction: U.S. Government Defendant

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**Leah Brown**  
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*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Molly Thomas-Jensen**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Sarah Rice**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**State of Wisconsin**

represented by **Kathryn M. Sabatini**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Leonard Giarrano , IV**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Aaron Bibb**

Wisconsin Department of Justice

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Email: [bibbaj@doj.state.wi.us](mailto:bibbaj@doj.state.wi.us)*PRO HAC VICE**ATTORNEY TO BE NOTICED***Molly Thomas-Jensen**

(See above for address)

*ATTORNEY TO BE NOTICED***Sarah Rice**

(See above for address)

*ATTORNEY TO BE NOTICED*

V.

**Defendant****Donald Trump***in his official capacity as President of the  
United States*represented by **Daniel Schwei**

DOJ-Civ

1100 L St., N.W.

Room 11532

Washington, DC 20530

202-305-8693

Email: [daniel.s.schwei@usdoj.gov](mailto:daniel.s.schwei@usdoj.gov)*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Andrew Freidah**

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**Defendant**

**U.S. Office of Management and Budget**

represented by **Daniel Schwei**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Andrew Freidah**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Eitan Sirkovich**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Matthew Vaeth**

*in his official capacity as Acting Director  
of the U.S. Office of Management and  
Budget*

represented by **Daniel Schwei**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Andrew Freidah**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Eitan Sirkovich**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Department of the Treasury**

represented by **Daniel Schwei**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Andrew Freidah**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Eitan Sirkovich**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Scott Bessent**

*in his official capacity as Secretary of the  
Treasury*

represented by **Daniel Schwei**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Andrew Freidah**  
(See above for address)

*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Patricia Collins**  
*in her official capacity as Treasurer of  
the U.S.*

represented by **Daniel Schwei**  
(See above for address)  
**LEAD ATTORNEY**  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. Department of Health and Human  
Services**

represented by **Daniel Schwei**  
(See above for address)  
**LEAD ATTORNEY**  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**M.D. Dorothy A Fink**  
*in her official capacity as Acting  
Secretary of Health and Human Services*

represented by **Daniel Schwei**  
(See above for address)  
**LEAD ATTORNEY**  
*ATTORNEY TO BE NOTICED*

**Andrew Freidah**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Eitan Sirkovich**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**U.S. Department of Education**

represented by

**Daniel Schwei**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Andrew Freidah**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Eitan Sirkovich**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Denise Carter**

*in her official capacity as Acting  
Secretary of Education*

represented by **Daniel Schwei**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Andrew Freidah**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Eitan Sirkovich**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Federal Emergency Management  
Agency**

represented by **Daniel Schwei**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Andrew Freidah**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Eitan Sirkovich**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Cameron Hamilton**

*in his official capacity as Acting  
Administrator of the U.S. Federal  
Emergency Management*

represented by **Daniel Schwei**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Andrew Freidah**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****U.S. Department of Transportation**represented by **Daniel Schwei**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED***Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****Judith Kaleta***in her official capacity as Acting  
Secretary of Transportation*represented by **Daniel Schwei**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED***Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****U.S. Department of Labor**represented by **Daniel Schwei**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED***Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****Vince Micone***in his official capacity as Acting  
Secretary of Labor*represented by **Daniel Schwei**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED***Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED***Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****U.S. Department of Energy**represented by **Daniel Schwei**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED***Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****Ingrid Kolb***in her official capacity as Acting  
Secretary of the U.S. Department of  
Energy*represented by **Daniel Schwei**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED***Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****U.S. Environmental Protection Agency**represented by **Daniel Schwei**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED***Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Defendant**

**James Payne**

*in his official capacity as Acting  
Administrator of the U.S. Environmental  
Protection Agency*

represented by **Daniel Schwei**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Andrew Freidah**

(See above for address)  
**ATTORNEY TO BE NOTICED**

**Eitan Sirkovich**

(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Department of Homeland Security**

represented by **Daniel Schwei**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Andrew Freidah**

(See above for address)  
**ATTORNEY TO BE NOTICED**

**Eitan Sirkovich**

(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Kristi Noem**

*in her official capacity as Secretary of  
the U.S. Department of Homeland  
Security*

represented by **Daniel Schwei**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Andrew Freidah**

(See above for address)  
**ATTORNEY TO BE NOTICED**

**Eitan Sirkovich**

(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**U.S. Department of Justice**

represented by **Daniel Schwei**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED***Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****James R McHenry, III***in his official capacity as Acting Attorney  
General of the U.S. Department of  
Justice*represented by **Daniel Schwei**

(See above for address)

**LEAD ATTORNEY***ATTORNEY TO BE NOTICED***Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED***Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****The National Science Foundation**represented by **Daniel Schwei**

(See above for address)

**LEAD ATTORNEY***ATTORNEY TO BE NOTICED***Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED***Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED***Defendant****Dr. Sethuraman Panchanathan***in his capacity as Director of the  
National Science Foundation*represented by **Daniel Schwei**

(See above for address)

**LEAD ATTORNEY***ATTORNEY TO BE NOTICED***Andrew Freidah**

(See above for address)

*ATTORNEY TO BE NOTICED***Eitan Sirkovich**

(See above for address)

*ATTORNEY TO BE NOTICED***Movant**

**VR School**

*TERMINATED: 01/29/2025*

**Movant**

**Freedom Cheteni**

531 Lasuen Mall

#19492

Stanford, CA 94305

*United States Non Public School*

*Superintendent*

**Movant**

**Arthur West**

120 State Ave

NE #1497

Olympia, WA 98501

*TERMINATED: 02/10/2025*

Date Filed	#	Docket Text
01/28/2025	<u>1</u>	COMPLAINT ( filing fee paid \$ 405.00, receipt number ARIDC-2092620 ), filed by State of Vermont, State of Arizona, State of California, State of Nevada, State of New York, State of North Carolina, State of Minnesota, State of Maryland, State of Oregon, State of Delaware, District of Columbia, State of Washington, State of Maine, State of Wisconsin, Commonwealth of Massachusetts, State of Illinois, State of Connecticut, State of Hawaii, State of Michigan, State of Colorado, State of Rhode Island, State of New Mexico, State of New Jersey. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet)(Rice, Sarah) (Entered: 01/28/2025)
01/28/2025		Case assigned to Chief Judge John J. McConnell, Jr. and Magistrate Judge Patricia A. Sullivan. (Simoncelli, Michael) (Entered: 01/28/2025)
01/28/2025	<u>2</u>	CASE OPENING NOTICE ISSUED (Simoncelli, Michael) (Entered: 01/28/2025)
01/28/2025	<u>3</u>	MOTION for Temporary Restraining Order filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit)(Rice, Sarah) (Entered: 01/28/2025)
01/28/2025	<u>4</u>	MOTION for Aaron J. Bibb to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092646 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>5</u>	MOTION for Alex Hemmer to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092647 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>6</u>	MOTION for Andrew Hughes to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092648 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>7</u>	MOTION for Andrew C. Mendrala to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092649 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)

01/28/2025	<u>8</u>	MOTION for Christina L. Beatty-Walters to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092650 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>9</u>	MOTION for Colleen K. Faherty to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092651 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>10</u>	MOTION for Daniel P. Mosteller to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092652 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>11</u>	MOTION for David D. Day to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092653 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>12</u>	MOTION for Jonathan T. Rose to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092654 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>13</u>	MOTION for Joshua David Rothenberg Bendor to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092655 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>14</u>	MOTION for Kalikoonalani D. Fernandes to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092656 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>15</u>	MOTION for Leah Brown to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092657 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>16</u>	MOTION for Linus Banghart-Linn to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092658 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>17</u>	MOTION for Michael Kenneth Skold to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092659 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>18</u>	MOTION for Molly Thomas-Jensen to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092660 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>19</u>	MOTION for Shannon Stevenson to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092662 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>20</u>	MOTION for Zoe Levine to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number BRIDC-2092663 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>21</u>	MOTION for Katherine Dirks to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092664 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>22</u>	

		MOTION for Angela Cai to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092665 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>23</u>	MOTION for Shankar Duraiswamy to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092667 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/28/2025	<u>24</u>	MOTION for Jeremy M. Feigenbaum to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092668 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/28/2025)
01/29/2025	<u>25</u>	MOTION for Jason Anton to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2092688 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025		NOTICE of Hearing on <u>3</u> MOTION for Temporary Restraining Order: Motion Hearing via Zoom <b><i>scheduled for Wednesday 1/29/2025 at 3:00 PM as a Remote Hearing</i></b> before Chief Judge John J. McConnell, Jr.; Zoom information has been provided to counsel under separate email. (Jackson, Ryan) (Entered: 01/29/2025)
01/29/2025	<u>26</u>	MOTION for Leave to File Amicus Brief filed by VR School. <b>Responses due by 2/12/2025.</b> (Attachments: # <u>1</u> Proposed Brief, # <u>2</u> Exhibit)(Simoncelli, Michael) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER denying <u>26</u> Motion for Leave to File Amicus Brief: VR School's Motion to File an Amicus Brief is DENIED. The filer, Mr. Freedom Cheteni, is not a member of the bar of this Court (or possibly any court). The Motion is filed on behalf of an entity called the "VR School." Pursuant to LR Gen 205(a), an entity needs an attorney of this Court to file with the Court. A non-lawyer may not file with the Court on behalf of an organization or corporate entity <i>pro se</i> . So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Jackson, Ryan) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>5</u> Motion to Appear Pro Hac Vice of Alex Hemmer. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>6</u> Motion to Appear Pro Hac Vice of Andrew Hughes. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>7</u> Motion to Appear Pro Hac Vice of Andrew C. Mendrala. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		DOCKET NOTE: Today's (Wednesday 1/29/25) proceedings in this matter are available to non-case participants via the Court's YouTube channel. Interested parties should visit the Court's website for further viewing information. (Jackson, Ryan) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>8</u> Motion to Appear Pro Hac Vice of Christina L. Beatty-Walters. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>9</u> Motion to Appear Pro Hac Vice of Colleen K. Faherty. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered:

		01/29/2025)
01/29/2025		TEXT ORDER granting <u>10</u> Motion to Appear Pro Hac Vice of Daniel P. Mosteller. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>11</u> Motion to Appear Pro Hac Vice of David D. Day. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>12</u> Motion to Appear Pro Hac Vice of Jonathan T. Rose. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>13</u> Motion to Appear Pro Hac Vice of Joshua David Rothenberg Bendor. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>14</u> Motion to Appear Pro Hac Vice of Kalikoonalani D. Fernandes. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>15</u> Motion to Appear Pro Hac Vice of Leah Brown. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) Modified Text on 1/29/2025 (Hill, Cherelle). (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>16</u> Motion to Appear Pro Hac Vice of Linus Banghart-Linn. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>17</u> Motion to Appear Pro Hac Vice of Michael Kenneth Skold. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>18</u> Motion to Appear Pro Hac Vice of Molly Thomas-Jensen. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>19</u> Motion to Appear Pro Hac Vice of Shannon Stevenson. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025	<u>27</u>	CORRECTED COMPLAINT, filed by State of Vermont, State of Arizona, State of California, State of Nevada, State of New York, State of North Carolina, State of Minnesota, State of Maryland, State of Oregon, State of Delaware, District of Columbia, State of Washington, State of Maine, State of Wisconsin, Commonwealth of Massachusetts, State of Illinois, State of Connecticut, State of Hawaii, State of Michigan, State of Colorado, State of Rhode Island, State of New Mexico, State of New Jersey. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet)(Rice, Sarah) Modified on 1/29/2025 to correct docket text. (Simoncelli, Michael). (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>20</u> Motion to Appear Pro Hac Vice of Zoe Levine. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)

01/29/2025		TEXT ORDER granting <u>21</u> Motion to Appear Pro Hac Vice of Katherine Dirks. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025	<u>28</u>	EXHIBIT IN SUPPORT by All Plaintiffs in support of <u>3</u> MOTION for Temporary Restraining Order <i>Corrected Exhibit 3-1</i> . (Rice, Sarah) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>22</u> Motion to Appear Pro Hac Vice of Angela Cai. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>23</u> Motion to Appear Pro Hac Vice of Shankar Duraiswamy. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>24</u> Motion to Appear Pro Hac Vice of Jeremy Feigenbaum. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>25</u> Motion to Appear Pro Hac Vice of Jason Anton. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>4</u> Motion to Appear Pro Hac Vice of Aaron Bibb. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025	<u>29</u>	MOTION for Christine Chuang to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093054 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>30</u>	MOTION for Laura L. Faer to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093056 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>29</u> Motion to Appear Pro Hac Vice of Christine Chuang. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>30</u> Motion to Appear Pro Hac Vice of Laura Faer. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025	<u>31</u>	MOTION for Heidi Parry Stern to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093071 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>32</u>	MOTION for Elizabeth Kramer to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093081 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>33</u>	MOTION for Adam D. Kirschner to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093082 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>34</u>	MOTION for Carly J. Munson to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number BRIDC-2093085 ) filed by State of Rhode Island. (Giarrano, Leonard)

		(Entered: 01/29/2025)
01/29/2025	<u>35</u>	MOTION for Christopher J. Kissel to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093089 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>36</u>	MOTION for Kenneth J. Sugarman to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093091 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>37</u>	MOTION for Lara Haddad to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093096 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>38</u>	MOTION for Nicholas R. Green to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093097 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>31</u> Motion to Appear Pro Hac Vice of Heidi Parry Stern. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>32</u> Motion to Appear Pro Hac Vice of Elizabeth Kramer. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025	<u>39</u>	NOTICE of Appearance by Daniel Schwei on behalf of All Defendants (Schwei, Daniel) (Entered: 01/29/2025)
01/29/2025	<u>40</u>	MOTION for Rabia Muqaddam to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093108 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>41</u>	MOTION for Neil Giovanatti to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093110 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>42</u>	MOTION for Vanessa L. Kassab to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093113 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/29/2025	<u>43</u>	NOTICE by Donald Trump, U.S. Office of Management and Budget, Matthew Vaeth, U.S. Department of the Treasury, Scott Bessent, Patricia Collins, U.S. Department of Health and Human Services, Dorothy A Fink, U.S. Department of Education, Denise Carter, U.S. Federal Emergency Management Agency, Cameron Hamilton, U.S. Department of Transportation, Judith Kaleta, U.S. Department of Labor, Vince Micone, U.S. Department of Energy, Ingrid Kolb, U.S. Environmental Protection Agency, James Payne, U.S. Department of Homeland Security, Kristi Noem, U.S. Department of Justice, James R McHenry, III, The National Science Foundation, Sethuraman Panchanathan re <u>3</u> MOTION for Temporary Restraining Order of <i>Factual Developments</i> (Attachments: # <u>1</u> Exhibit OMB Mem M-25-14, Rescission of M-25-13 (Jan. 28, 2025))(Schwei, Daniel) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>33</u> Motion to Appear Pro Hac Vice of Adam Kirschner. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)

01/29/2025		TEXT ORDER granting <u>34</u> Motion to Appear Pro Hac Vice of Carly J. Munson. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>35</u> Motion to Appear Pro Hac Vice of Christopher J. Kissel. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>36</u> Motion to Appear Pro Hac Vice of Kenneth J. Sugarman. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>37</u> Motion to Appear Pro Hac Vice of Lara Haddad. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>38</u> Motion to Appear Pro Hac Vice of Nicholas R. Green. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>40</u> Motion to Appear Pro Hac Vice of Rabia Muqaddam. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>41</u> Motion to Appear Pro Hac Vice of Neil Giovanatti. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		TEXT ORDER granting <u>42</u> Motion to Appear Pro Hac Vice of Vanessa L. Kassab. So Ordered by Chief Judge John J. McConnell, Jr. on 1/29/2025. (Hill, Cherelle) (Entered: 01/29/2025)
01/29/2025		Minute Entry for proceedings held before Chief Judge John J. McConnell, Jr.: Motion Hearing via Zoom held on 1/29/2025 re: <u>3</u> MOTION for Temporary Restraining Order filed by State of New York, et al. Counsel present: S. Rice, K. Sabatini; M. Thomas-Jensen, R. Muqaddam; A. Hemmer; C. Chuang, L. Faer; K. Dirks; D. Schwei. Court addresses withdrawal of the OMD memo; Plaintiffs (Rice) responds. Court questions Plaintiffs. One exhibit admitted as evidence. Defendants (Schwei) argues; Court questions Defendants. Plaintiffs (Rice) give reply argument. Court orders Plaintiffs/States to prepare a proposed order and share it with Defendants before submitting to the Court. Upon submission to the Court (via email to Case Manager), the Defendants will have 24-hours to response to the proposed order by letter-brief. Court will then consider the proposed order and response and schedule a conference if necessary. Adjourned. (Court Reporter Denise Webb in Courtroom Remote via Zoom Videoconference at 3:00 PM.) (Jackson, Ryan) (Entered: 01/29/2025)
01/29/2025	<u>44</u>	Exhibit List for 1/29/25 Motion Hearing on TRO before Chief Judge McConnell. (Jackson, Ryan) (Entered: 01/29/2025)
01/29/2025	<u>45</u>	MOTION for Anjana Samant to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2093253 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 01/29/2025)
01/30/2025		TEXT ORDER granting <u>45</u> Motion to Appear Pro Hac Vice of Anjana Samant. So Ordered by Chief Judge John J. McConnell, Jr. on 1/30/2025. (Hill, Cherelle) (Entered: 01/30/2025)

01/30/2025	<u>46</u>	DOCKET NOTE: Proposed Temporary Restraining Order filed by State of NY, et al. Received by the Court at 6:15 PM on 1/29/25. (Jackson, Ryan) (Entered: 01/30/2025)
01/30/2025	<u>47</u>	MOTION for Leave to File Amicus Brief filed by Freedom Cheteni. <b>Responses due by 2/13/2025.</b> (Attachments: # <u>1</u> Proposed Amicus, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit)(Simoncelli, Michael) (Entered: 01/30/2025)
01/30/2025		TEXT ORDER denying <u>47</u> Motion for Leave to File Amicus Brief. So Ordered by Chief Judge John J. McConnell, Jr. on 1/30/2025. (Jackson, Ryan) (Entered: 01/30/2025)
01/30/2025	<u>48</u>	MOTION Motion to Supplement Record re: <u>3</u> MOTION for Temporary Restraining Order filed by All Plaintiffs. <b>Responses due by 2/13/2025.</b> (Attachments: # <u>1</u> Exhibit Sugarman Decl. and Exhibits)(Rice, Sarah) (Entered: 01/30/2025)
01/30/2025	<u>49</u>	RESPONSE In Opposition to <u>3</u> MOTION for Temporary Restraining Order filed by All Defendants. <b>Replies due by 2/6/2025.</b> (Attachments: # <u>1</u> Exhibit OMB Guidance (Jan. 28, 2025))(Schwei, Daniel) (Entered: 01/30/2025)
01/31/2025		TEXT ORDER granting <u>48</u> MOTION to Supplement Record re: <u>3</u> MOTION for Temporary Restraining Order. So Ordered by Chief Judge John J. McConnell, Jr. on 1/31/2025. (Jackson, Ryan) (Entered: 01/31/2025)
01/31/2025	<u>50</u>	TEMPORARY RESTRAINING ORDER granting <u>3</u> Motion for TRO. So Ordered by Chief Judge John J. McConnell, Jr. on 1/31/2025. (Jackson, Ryan) (Entered: 01/31/2025)
02/03/2025	<u>51</u>	NOTICE by Donald Trump, U.S. Office of Management and Budget, Matthew Vaeth, U.S. Department of the Treasury, Scott Bessent, Patricia Collins, U.S. Department of Health and Human Services, Dorothy A Fink, U.S. Department of Education, Denise Carter, U.S. Federal Emergency Management Agency, Cameron Hamilton, U.S. Department of Transportation, Judith Kaleta, U.S. Department of Labor, Vince Micone, U.S. Department of Energy, Ingrid Kolb, U.S. Environmental Protection Agency, James Payne, U.S. Department of Homeland Security, Kristi Noem, U.S. Department of Justice, James R McHenry, III, The National Science Foundation, Sethuraman Panchanathan re <u>50</u> Order on Motion for TRO (Attachments: # <u>1</u> Exhibit Written Notice of Court Order)(Schwei, Daniel) (Entered: 02/03/2025)
02/03/2025	<u>52</u>	NOTICE of Appearance by Eitan Sirkovich on behalf of All Defendants (Sirkovich, Eitan) (Entered: 02/03/2025)
02/03/2025		TEXT ORDER: Plaintiffs' Motion for Preliminary Injunction and Memorandum in Support is due on or before Friday 2/7/2025; Defendants' Opposition and Memorandum is due on or before Wednesday 2/12/25; Plaintiffs' Reply is due two days after the filing of the Defendants' opposition. So Ordered by Chief Judge John J. McConnell, Jr. on 2/3/2025. (Jackson, Ryan) (Entered: 02/03/2025)
02/03/2025	<u>53</u>	NOTICE of Appearance by Andrew Freidah on behalf of All Defendants (Freidah, Andrew) (Entered: 02/03/2025)
02/04/2025	<u>54</u>	MOTION for Turner Helen Smith to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2095192 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/04/2025)
02/04/2025	<u>55</u>	MOTION for Anna Lumelsky to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2095198 ) filed by State of Rhode Island. (Giarrano, Leonard)

		(Entered: 02/04/2025)
02/04/2025	<u>56</u>	MOTION for Michael Joseph Myers to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2095201 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/04/2025)
02/04/2025		TEXT ORDER granting <u>54</u> Motion to Appear Pro Hac Vice of Turner Helen Smith. So Ordered by Chief Judge John J. McConnell, Jr. on 2/4/2025. (Gonzalez Gomez, Viviana) (Entered: 02/04/2025)
02/04/2025		TEXT ORDER granting <u>55</u> Motion to Appear Pro Hac Vice of Anna Lumelsky. So Ordered by Chief Judge John J. McConnell, Jr. on 2/4/2025. (Gonzalez Gomez, Viviana) (Entered: 02/04/2025)
02/04/2025		TEXT ORDER granting <u>56</u> Motion to Appear Pro Hac Vice of Michael Joseph Myers. So Ordered by Chief Judge John J. McConnell, Jr. on 2/4/2025. (Gonzalez Gomez, Viviana) (Entered: 02/04/2025)
02/04/2025		NOTICE of CONFERENCE: Chambers Conference via Zoom <i>scheduled for Thursday 2/6/2025 at 9:30 AM as a Remote Conference</i> before Chief Judge John J. McConnell, Jr. This conference is for <u>COUNSEL ONLY</u> and Zoom Meeting information has been provided to counsel under separate cover. THIS IS NOT A PUBLIC HEARING. (Jackson, Ryan) (Entered: 02/04/2025)
02/04/2025	<u>57</u>	MOTION for Marie E. Logan to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2095272 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/04/2025)
02/04/2025	<u>58</u>	MOTION for Theodore McCombs to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2095275 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/04/2025)
02/04/2025		TEXT ORDER granting <u>57</u> Motion to Appear Pro Hac Vice of Marie E. Logan. So Ordered by Chief Judge John J. McConnell, Jr. on 2/4/2025. (Hill, Cherelle) (Entered: 02/04/2025)
02/04/2025		TEXT ORDER granting <u>58</u> Motion to Appear Pro Hac Vice of Theodore McCombs. So Ordered by Chief Judge John J. McConnell, Jr. on 2/4/2025. (Hill, Cherelle) (Entered: 02/04/2025)
02/04/2025	<u>59</u>	NOTICE of Appearance by Turner Helen Smith on behalf of Commonwealth of Massachusetts (Smith, Turner) (Entered: 02/04/2025)
02/04/2025	<u>60</u>	MOTION to Intervene filed by Arthur West. <b>Responses due by 2/18/2025.</b> (Attachments: # <u>1</u> DESCHUTES ESTUARY GRANT INFORMATION, # <u>2</u> NEPA NOV 25 As filed, # <u>3</u> NEPA NOV 25 EXHIBITS, # <u>4</u> WEST V. REED MISREPRESENTATION OF INJUNCTION, # <u>5</u> Email)(Hill, Cherelle) (Entered: 02/04/2025)
02/04/2025	<u>61</u>	NOTICE of Appearance by Anna Esther Lumelsky on behalf of Commonwealth of Massachusetts (Lumelsky, Anna) (Entered: 02/04/2025)
02/05/2025		Reset Hearings re: Notice of Public Chambers Conference via Zoom <i>scheduled for Thursday 2/6/2025 at 9:30 AM as a Remote Conference</i> before Chief Judge John J. McConnell, Jr. This conference will now be available for public viewing via the Court's YouTube channel; information on connecting to the conference is available on

		the Court's website. Counsel are still directed to connect to the conference via Zoom with the meeting invitation previously sent to counsel via email. (Jackson, Ryan) (Entered: 02/05/2025)
02/05/2025	<u>62</u>	MOTION for Nathan T. Arrowsmith to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2096068 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/05/2025)
02/06/2025		TEXT ORDER granting <u>62</u> Motion to Appear Pro Hac Vice of Nathan T. Arrowsmith. So Ordered by Chief Judge John J. McConnell, Jr. on 2/6/2025. (Hill, Cherelle) (Entered: 02/06/2025)
02/06/2025		Minute Entry for proceedings held before Chief Judge John J. McConnell, Jr.: Chambers Conference via Zoom held on 2/6/2025. Counsel present: S. Rice, K. Sabatini, L. Giarrano; R. Muqaddam, M. Thomas-Jensen, C. Faherty; L. Faer, T. McCombs; K. Dirks; D. Schwei, E. Sirkovich. (Jackson, Ryan) (Entered: 02/06/2025)
02/06/2025		TEXT ORDER: The Court extends the <u>50</u> TEMPORARY RESTRAINING ORDER for good cause including the complexity of the issues involved, the number of parties, and the need to maintain the status quo while this matter is being expeditiously litigated – until the Court enters an order on the Plaintiffs' Motion for Preliminary Injunction. So Ordered by Chief Judge John J. McConnell, Jr. on 2/6/2025. (Jackson, Ryan) (Entered: 02/06/2025)
02/06/2025	<u>63</u>	TRANSCRIPT ORDER for proceedings held on Jan. 29, 2025 before Judge Chief Judge McConnell. <b>Daily Transcript selected.</b> Transcript to be delivered following adjournment and prior to the normal opening hour of court on the following morning.. (Schwei, Daniel) (Entered: 02/06/2025)
02/06/2025	<u>64</u>	MOTION for Jill Lacedonia to Appear Pro Hac Vice ( filing fee paid \$ 100.00, receipt number ARIDC-2096517 ) filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/06/2025)
02/07/2025		TEXT ORDER granting <u>64</u> Motion to Appear Pro Hac Vice of Jill Lacedonia. So Ordered by Chief Judge John J. McConnell, Jr. on 2/7/2025. (Hill, Cherelle) (Entered: 02/07/2025)
02/07/2025	<u>65</u>	TRANSCRIPT ORDER ACKNOWLEDGMENT Entered re: <u>63</u> Transcript Order., Daily Transcript Ordered. Court Reporter/Transcriber: Denise Webb. (Dias, Jennifer) (Entered: 02/07/2025)
02/07/2025	<u>66</u>	Emergency MOTION to Enforce re: <u>50</u> Order on Motion for TRO filed by All Plaintiffs. <b>Responses due by 2/21/2025.</b> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Rice, Sarah) (Entered: 02/07/2025)
02/07/2025	<u>67</u>	MOTION for Preliminary Injunction filed by All Plaintiffs. <b>Responses due by 2/21/2025.</b> (Thomas-Jensen, Molly) (Entered: 02/07/2025)
02/07/2025		TEXT ORDER: Defendants are hereby ORDERED to Respond to Plaintiffs' <u>66</u> Emergency MOTION to Enforce re: <u>50</u> Order on Motion for TRO <i>by this Sunday</i> , 2/9/2025. So Ordered by Chief Judge John J. McConnell, Jr. on 2/7/2025. (Jackson, Ryan) (Entered: 02/07/2025)
02/07/2025	<u>68</u>	DECLARATION re <u>67</u> MOTION for Preliminary Injunction by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit

		11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u> Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Exhibit 37, # <u>38</u> Exhibit 38, # <u>39</u> Exhibit 39, # <u>40</u> Exhibit 40, # <u>41</u> Exhibit 41, # <u>42</u> Exhibit 42, # <u>43</u> Exhibit 43, # <u>44</u> Exhibit 44, # <u>45</u> Exhibit 45, # <u>46</u> Exhibit 46, # <u>47</u> Exhibit 47, # <u>48</u> Exhibit 48, # <u>49</u> Exhibit 49, # <u>50</u> Exhibit 50, # <u>51</u> Exhibit 51, # <u>52</u> Exhibit 52, # <u>53</u> Exhibit 53, # <u>54</u> Exhibit 54, # <u>55</u> Exhibit 55, # <u>56</u> Exhibit 56, # <u>57</u> Exhibit 57, # <u>58</u> Exhibit 58, # <u>59</u> Exhibit 59, # <u>60</u> Exhibit 60, # <u>61</u> Exhibit 61, # <u>62</u> Exhibit 62, # <u>63</u> Exhibit 63, # <u>64</u> Exhibit 64, # <u>65</u> Exhibit 65, # <u>66</u> Exhibit 66, # <u>67</u> Exhibit 67, # <u>68</u> Exhibit 68, # <u>69</u> Exhibit 69, # <u>70</u> Exhibit 70, # <u>71</u> Exhibit 71, # <u>72</u> Exhibit 72, # <u>73</u> Exhibit 73, # <u>74</u> Exhibit 74, # <u>75</u> Exhibit 75, # <u>76</u> Exhibit 76, # <u>77</u> Exhibit 77, # <u>78</u> Exhibit 78, # <u>79</u> Exhibit 79, # <u>80</u> Exhibit 80, # <u>81</u> Exhibit 81, # <u>82</u> Exhibit 82, # <u>83</u> Exhibit 83, # <u>84</u> Exhibit 84, # <u>85</u> Exhibit 85, # <u>86</u> Exhibit 86, # <u>87</u> Exhibit 87, # <u>88</u> Exhibit 88, # <u>89</u> Exhibit 89, # <u>90</u> Exhibit 90, # <u>91</u> Exhibit 91, # <u>92</u> Exhibit 92, # <u>93</u> Exhibit 93, # <u>94</u> Exhibit 94, # <u>95</u> Exhibit 95, # <u>96</u> Exhibit 96, # <u>97</u> Exhibit 97, # <u>98</u> Exhibit 98, # <u>99</u> Exhibit 99, # <u>100</u> Exhibit 100, # <u>101</u> Exhibit 101, # <u>102</u> Exhibit 102, # <u>103</u> Exhibit 103, # <u>104</u> Exhibit 104, # <u>105</u> Exhibit 105, # <u>106</u> Exhibit 106, # <u>107</u> Exhibit 107, # <u>108</u> Exhibit 108, # <u>109</u> Exhibit 109, # <u>110</u> Exhibit 110, # <u>111</u> Exhibit 111, # <u>112</u> Exhibit 112, # <u>113</u> Exhibit 113, # <u>114</u> Exhibit 114, # <u>115</u> Exhibit 115, # <u>116</u> Exhibit 116, # <u>117</u> Exhibit 117, # <u>118</u> Exhibit 118, # <u>119</u> Exhibit 119, # <u>120</u> Exhibit 120, # <u>121</u> Exhibit 121, # <u>122</u> Exhibit 122, # <u>123</u> Exhibit 123, # <u>124</u> Exhibit 124, # <u>125</u> Exhibit 125, # <u>126</u> Exhibit 126, # <u>127</u> Exhibit 127)(Thomas-Jensen, Molly) (Entered: 02/07/2025)
02/07/2025	<u>69</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/07/2025)
02/09/2025	<u>70</u>	RESPONSE In Opposition to <u>66</u> Emergency MOTION to Enforce re: <u>50</u> Order on Motion for TRO filed by All Defendants. <b>Replies due by 2/18/2025.</b> (Schwei, Daniel) (Entered: 02/09/2025)
02/10/2025		TEXT ORDER denying <u>60</u> Motion to Intervene. So Ordered by Chief Judge John J. McConnell, Jr. on 2/10/2025. (Jackson, Ryan) (Entered: 02/10/2025)
02/10/2025	<u>71</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>72</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>73</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>74</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>75</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>76</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>77</u>	

		Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>78</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>79</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>80</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>81</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>82</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>83</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>84</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>85</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>86</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>87</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>88</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>89</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>90</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>91</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>92</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>93</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>94</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>95</u>	Summons Request filed by State of Rhode Island. (Giarrano, Leonard) (Entered: 02/10/2025)
02/10/2025	<u>96</u>	ORDER granting <u>66</u> Emergency MOTION to Enforce <u>50</u> Order on Motion for TRO.

		So Ordered by Chief Judge John J. McConnell, Jr. on 2/10/2025. (Jackson, Ryan) (Entered: 02/10/2025)
02/10/2025	<u>97</u>	Summons Issued as to Scott Bessent, Denise Carter, Patricia Collins, Dorothy A Fink, Cameron Hamilton, Judith Kaleta, Ingrid Kolb, James R McHenry, III, Vince Micone, Kristi Noem, Sethuraman Panchanathan, James Payne, The National Science Foundation, Donald Trump, U.S. Department of Education, U.S. Department of Energy, U.S. Department of Health and Human Services, U.S. Department of Homeland Security, U.S. Department of Justice, U.S. Department of Labor, U.S. Department of Transportation, U.S. Department of the Treasury, U.S. Environmental Protection Agency, U.S. Federal Emergency Management Agency, U.S. Office of Management and Budget, Matthew Vaeth. (Attachments: # <u>1</u> Summons Issued as to D. Carter, # <u>2</u> Summons Issued as to U.S. Department of Education, # <u>3</u> Summons Issued as to U.S. Department of Energy, # <u>4</u> Summons Issued as to U.S. Department of Labor, # <u>5</u> Summons Issued as to U.S. Department of Justice, # <u>6</u> Summons Issued as to D. Trump, # <u>7</u> Summons Issued as to D. Fink, # <u>8</u> Summons Issued as to U.S. Department of Transportation, # <u>9</u> Summons Issued as to U.S. Environmental Protection Agency, # <u>10</u> Summons Issued as to U.S. Federal Emergency Management Agency, # <u>11</u> Summons Issued as to U.S. Department of Health and Human Services, # <u>12</u> Summons Issued as to U.S. Department of Homeland Security, # <u>13</u> Summons Issued as to I. Kolb, # <u>14</u> Summons Issued as to J. Payne, # <u>15</u> Summons Issued as to J. McHenry, # <u>16</u> Summons Issued as to J. Kaleta, # <u>17</u> Summons Issued as to K. Noem, # <u>18</u> Summons Issued as to M. Vaeth, # <u>19</u> Summons Issued as to The National Science Foundation, # <u>20</u> Summons Issued as to U.S. Office of Management and Budget, # <u>21</u> Summons Issued as to Collins, # <u>22</u> Summons Issued as to S. Bessent, # <u>23</u> Summons Issued as to S. Panchanathan, # <u>24</u> Summons Issued as to U.S. Department of Treasury, # <u>25</u> Summons Issued as to V. Micone) (Gonzalez Gomez, Viviana) (Entered: 02/10/2025)
02/10/2025	<u>98</u>	NOTICE OF APPEAL by Donald Trump, U.S. Office of Management and Budget, Matthew Vaeth, U.S. Department of the Treasury, Scott Bessent, Patricia Collins, U.S. Department of Health and Human Services, Dorothy A Fink, U.S. Department of Education, Denise Carter, U.S. Federal Emergency Management Agency, Cameron Hamilton, U.S. Department of Transportation, Judith Kaleta, U.S. Department of Labor, Vince Micone, U.S. Department of Energy, Ingrid Kolb, U.S. Environmental Protection Agency, James Payne, U.S. Department of Homeland Security, Kristi Noem, U.S. Department of Justice, James R McHenry, III, The National Science Foundation, Sethuraman Panchanathan as to <u>50</u> Order on Motion for TRO, <u>96</u> Order on Motion for Miscellaneous Relief (No fee paid, USA, Waived by Statute, or IFP.)  <b>NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at <a href="http://pacer.psc.uscourts.gov/cmecf/">http://pacer.psc.uscourts.gov/cmecf/</a>. Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at <a href="http://www.ca1.uscourts.gov/cmecf">http://www.ca1.uscourts.gov/cmecf</a></b> Appeal Record due by 2/18/2025. (Schwei, Daniel) (Entered: 02/10/2025)

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

Civil Action No. 1:25-cv-39 (JJM)

DONALD TRUMP, IN HIS OFFICIAL  
CAPACITY AS PRESIDENT OF THE  
UNITED STATES, *et al.*,

Defendants.

**DEFENDANTS' NOTICE OF APPEAL**

PLEASE TAKE NOTICE that Defendants hereby appeal to the United States Court of Appeals for the First Circuit from this Court's Temporary Restraining Order, entered at ECF No. 50 and dated January 31, 2025; this Court's Text Order of February 6, 2025 extending the Temporary Restraining Order; and this Court's Order entered at ECF No. 96 and dated February 10, 2025.

Defendants intend to request a stay of this Court's Orders pending appeal, including an immediate administrative stay, from the United States Court of Appeals for the First Circuit.

Dated: February 10, 2025

Respectfully submitted,

BRETT A. SHUMATE  
Acting Assistant Attorney General

ALEXANDER K. HAAS  
Director

/s/ Daniel Schwei  
DANIEL SCHWEI  
Special Counsel (N.Y. Bar)  
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Email: daniel.s.schwei@usdoj.gov

*Counsel for Defendants*

**CERTIFICATION OF SERVICE**

I hereby certify that on February 10, 2025, I electronically filed the within Certification with the Clerk of the United States District Court for the District of Rhode Island using the CM/ECF System, thereby serving it on all registered users in accordance with Federal Rule of Civil Procedure 5(b)(2)(E) and Local Rule Gen 305.

/s/ Daniel Schwei  
Daniel Schwei

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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STATE OF NEW YORK; STATE OF )  
CALIFORNIA; STATE OF ILLINOIS; )  
STATE OF RHODE ISLAND; STATE OF )  
NEW JERSEY; COMMONWEALTH OF )  
MASSACHUSETTS; STATE OF )  
ARIZONA; STATE OF COLORADO; )  
STATE OF CONNECTICUT; STATE OF )  
DELAWARE; THE DISTRICT OF )  
COLUMBIA; STATE OF HAWAII; )  
STATE OF MAINE; STATE OF )  
MARYLAND; STATE OF MICHIGAN; )  
STATE OF MINNESOTA; STATE OF )  
NEVADA; STATE OF NORTH )  
CAROLINA; STATE OF NEW MEXICO; )  
STATE OF OREGON; STATE OF )  
VERMONT; STATE OF WASHINGTON; )  
and STATE OF WISCONSIN, )  
Plaintiffs, )  
v. )  
DONALD TRUMP, *in his Official* )  
*Capacity as President of the United* )  
*States; U.S. OFFICE OF* )  
*MANAGEMENT AND BUDGET;* )  
MATTHEW J. VAETH, *in his Official* )  
*Capacity as Acting Director of the U.S.* )  
*Office of Management and Budget; U.S.* )  
DEPARTMENT OF THE TREASURY; )  
SCOTT BESENT, *in his Official* )  
*Capacity as Secretary of the Treasury;* )  
PATRICIA COLLINS, *in her Official* )  
*Capacity as Treasurer of the U.S.; U.S.* )  
DEPARTMENT OF HEALTH AND )  
HUMAN SERVICES; DOROTHY A. )  
FINK, M.D., *in her Official Capacity As* )  
*Acting Secretary Of Health And Human* )  
*Services; U.S. DEPARTMENT OF* )  
EDUCATION; DENISE CARTER, *in her* )  
*Official Capacity as Acting Secretary of* )  
*Education; U.S. FEDERAL* )  
EMERGENCY MANAGEMENT )  
AGENCY; CAMERON HAMILTON, *in* )  
C.A. No. 25-cv-39-JJM-PAS

---

*his Official Capacity as Acting )  
Administrator of the U.S. Federal )  
Emergency Management Agency; U.S. )  
DEPARTMENT OF )  
TRANSPORTATION; )  
JUDITH KALETA, in her Official )  
Capacity as Acting Secretary of )  
Transportation; U.S. DEPARTMENT OF )  
LABOR; VINCE MICONE, in his Official )  
Capacity as Acting Secretary of Labor; )  
U.S. DEPARTMENT OF ENERGY; )  
INGRID KOLB, in her Official Capacity )  
as Acting Secretary of the U.S. )  
Department of Energy; U.S. )  
ENVIRONMENTAL PROTECTION )  
AGENCY; JAMES PAYNE, in his Official )  
Capacity as Acting Administrator of the )  
U.S. Environmental Protection Agency; )  
U.S. DEPARTMENT OF HOMELAND )  
SECURITY; KRISTI NOEM, in her )  
Capacity as Secretary of the U.S. )  
Department of Homeland Security; U.S. )  
DEPARTMENT OF JUSTICE; JAMES R. )  
McHENRY III, in his Official Capacity as )  
Acting Attorney General of the U.S. )  
Department of Justice; THE NATIONAL )  
SCIENCE FOUNDATION; and DR. )  
SETHURAMAN PANCHANATHAN, in )  
his Capacity as Director of the National )  
Science Foundation, )  
Defendants. )*

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### TEMPORARY RESTRAINING ORDER

The legal standard for a Temporary Restraining Order (“TRO”) mirrors that of a preliminary injunction. The Plaintiff States must show that weighing these four factors favors granting a TRO:

1. likelihood of success on the merits;
2. potential for irreparable injury;
3. balance of the relevant equities; and

4. effect on the public interest if the Court grants or denies the TRO.

*Planned Parenthood League v. Bellotti*, 641 F.2d 1006, 1009 (1st Cir. 1981). The traditional equity doctrine that preliminary injunctive relief is an extraordinary and drastic remedy that is never awarded as of right guides the Court. *Id.* The Court is also fully aware of the judiciary’s role as one of the three independent branches of government, and that the doctrine of separation of powers restricts its reach into the Executive Branch. The Court now turns to the four factors.

#### Likelihood of Success on the Merits

We begin with what courts have called a key factor—a consideration of the movant’s likelihood of success on the merits.

In Count I, the States allege that the Executive’s actions by the Office of Management and Budget (“OMB”)<sup>1</sup> violate the Administrative Procedure Act (“APA”)<sup>2</sup> because Congress has not delegated any unilateral authority to the Executive to indefinitely pause all federal financial assistance without considering the statutory and contractual terms governing these billions of dollars of grants.

In Count II, the States allege that the Executive’s actions violate the APA because the failure to spend funds appropriated by Congress is arbitrary and capricious in multiple respects.

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<sup>1</sup> See *supra* for discussion of mootness.

<sup>2</sup> 5 U.S.C. § 551 et seq.

In Count III, the States allege that the failure to spend funds appropriated by Congress violates the separation of powers because the Executive has overridden Congress' judgments by refusing to disburse already-allocated funding for many federal grant programs.

In Count IV, the States allege a violation of the Spending Clause of the U.S. Constitution. U.S. Const. art. I, § 8, cl. law 1.

And in Count V, the States allege a violation of the presentment (U.S. Const. art. I, § 7, cl. 2), appropriations (U.S. Const. art. I, § 7), and take care clauses (U.S. Const. art. II, § 3, cl. 3) (the Executive must “take care that the laws be faithfully executed . . .”).

Because of the breadth and ambiguity of the “pause,” the Court must consider the States’ TRO motion today based on the effect it will have on many—but perhaps not all—grants and programs it is intended to cover. Are there some aspects of the pause that might be legal and appropriate constitutionally for the Executive to take? The Court imagines there are, but it is equally sure that there are many instances in the Executive Orders’ wide-ranging, all-encompassing, and ambiguous “pause” of critical funding that are not. The Court must act in these early stages of the litigation under the “worst case scenario” because the breadth and ambiguity of the Executive’s action makes it impossible to do otherwise.

The Court finds that, based on the evidence before it now, some of which is set forth below, the States are likely to succeed on the merits of some, if not all, their claims. The reasons are as follows:

- The Executive's action unilaterally suspends the payment of federal funds to the States and others simply by choosing to do so, no matter the authorizing or appropriating statute, the regulatory regime, or the terms of the grant itself. The Executive cites no legal authority allowing it to do so; indeed, no federal law would authorize the Executive's unilateral action here.
- Congress has instructed the Executive to provide funding to States based on stated statutory factors—for example, population or the expenditure of qualifying State funds. By trying to impose certain conditions on this funding, the Executive has acted contrary to law and in violation of the APA.
- The Executive Orders threaten the States' ability to conduct essential activities and gave the States and others less than 24 hours' notice of this arbitrary pause, preventing them from making other plans or strategizing how they would continue to function without these promised funds.
- Congress appropriated many of these funds, and the Executive's refusal to disburse them is contrary to congressional intent and directive and thus arbitrary and capricious.
- Congress has not given the Executive limitless power to broadly and indefinitely pause all funds that it has expressly directed to specific recipients and purposes and therefore the Executive's actions violate the separation of powers.

Judge Bruce M. Selya of the First Circuit succinctly set out the black letter law about appropriated funds and Executive powers:

When an executive agency administers a federal statute, the agency's power to act is "authoritatively prescribed by Congress." *City of Arlington v. FCC*, 569 U.S. 290, 297, 133 S. Ct. 1863, 185 L. Ed. 2d 941 (2013). It is no exaggeration to say that "an agency literally has no power to act ... unless and until Congress confers power upon it." *La. Pub. Serv. Comm'n v. FCC*, 476 U.S. 355, 374, 106 S. Ct. 1890, 90 L. Ed. 2d 369 (1986). Any action that an agency takes outside the bounds of its statutory authority is *ultra vires*, see *City of Arlington*, 569 U.S. at 297, 133 S. Ct. 1863, and violates the Administrative Procedure Act, see 5 U.S.C. § 706(2)(C).

*City of Providence v. Barr*, 954 F.3d 23, 31 (1st Cir. 2020).

The Executive's statement that the Executive Branch has a duty "to align Federal spending and action with the will of the American people *as expressed through Presidential priorities*," (ECF No. 48-1 at 11) (emphasis added) is a constitutionally flawed statement. The Executive Branch has a duty to align federal spending and action with the will of the people as *expressed through congressional appropriations*, not through "Presidential priorities." U.S. Const. art. II, § 3, cl. 3 (establishing that the Executive must "take care that the laws be faithfully executed . . ."). Federal law specifies how the Executive should act if it believes that appropriations are inconsistent with the President's priorities—it must ask Congress, not act unilaterally. The Impoundment Control Act of 1974 specifies that the President may ask that Congress rescind appropriated funds.<sup>3</sup> Here, there is no evidence that the Executive has followed the law by notifying Congress and thereby effectuating a potentially legally permitted so-called "pause."

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<sup>3</sup> If both the Senate and the House of Representatives have not approved a rescission proposal (by passing legislation) within forty-five days of continuous session, any funds the Executive is withholding must be made available for obligation.

Justice Brett Kavanaugh wrote when he was on the D.C. Circuit:

Like the Commission here, a President sometimes has policy reasons (as distinct from constitutional reasons, *cf. infra* note 3) for wanting to spend less than the full amount appropriated by Congress for a particular project or program. But in those circumstances, even the President does not have unilateral authority to refuse to spend the funds. Instead, the President must propose the rescission of funds, and Congress then may decide whether to approve a rescission bill. *See* 2 U.S.C. § 683; *see also Train v. City of New York*, 420 U.S. 35, 95 S. Ct. 839, 43 L. Ed. 2d 1 (1975); Memorandum from William H. Rehnquist, Assistant Attorney General, Office of Legal Counsel, to Edward L. Morgan, Deputy Counsel to the President (Dec. 1, 1969), *reprinted in Executive Impoundment of Appropriated Funds: Hearings Before the Subcomm. on Separation of Powers of the S. Comm. on the Judiciary*, 92d Cong. 279, 282 (1971) (“With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent.”)

*In re Aiken Cnty.*, 725 F.3d 255, 261, n.1 (D.C. Cir. 2013).

The Court finds that the record now before it substantiates the likelihood of a successful claim that the Executive’s actions violate the Constitution and statutes of the United States.

The Court now moves on to the remaining three injunction considerations.

### **Irreparable Harm**

The States have put forth sufficient evidence at this stage that they will likely suffer severe and irreparable harm if the Court denies their request to enjoin enforcement of the funding pause.

- All the States rely on federal funds to provide and maintain vital programs and services and have introduced evidence that the withholding of federal funds

will cause severe disruption in their ability to administer such vital services—even if it is for a brief time.

- The States detail many examples of where the Executive’s overarching pause on funding that Congress has allocated will harm them and their citizens. These programs range from highway planning and construction, childcare, veteran nursing care funding, special education grants, and state health departments, who receive billions of dollars to run programs that maintain functional health systems. *See, e.g.*, ECF No. 3-1 at 56 (highway construction programs in Delaware), at 73 (childcare programs in Michigan), at 113 (veterans nursing care funding in Washington state), at 77 (special education programs in Minnesota), and at 100–01 (health care programs in New Mexico).
- The pause in federal funding will also hurt current disaster relief efforts. The States assert that the pause applies to federal actions directing federal financial assistance to North Carolina to address the damage inflicted by Hurricane Helene and to any Federal Emergency Management Agency grant money not yet disbursed, including key support for California’s ongoing response to the fires. ECF No. 1 ¶¶ 80–81.
- A January 28, 2025, email from Shannon Kelly, the Director of the National High Intensity Drug Case Trafficking Areas (HIDTA) program, who aids law enforcement in high drug-trafficking areas, shows that payments to state-based HIDTA programs have been paused, putting the public’s safety at risk. *Id.* ¶ 83.

The States have set forth facts showing that the Executive’s abrupt “pause” in potentially trillions of dollars of federal funding will cause a ripple effect that would directly impact the States and other’s ability to provide and administer vital services and relief to their citizens. Thus, the federal grants to States and others that are impounded through the Executive’s pause in disbursement will cause irreparable harm.

And it is more than monetary harm that is at stake here. As Justice Anthony Kennedy reminds us, “Liberty is always at stake when one or more of the branches seek to transgress the separation of powers.” *Clinton v. City of New York*, 524 U.S. 417, 449–50 (1998) (Kennedy, J. concurring)

#### **Balance of the Equities and Public Interest**

As the Court considers the final two factors, the record shows that the balance of equities weighs heavily in favor of granting the States’ TRO.

- If the Defendants are prevented from enforcing the directive contained in the OMB Directive, they merely would have to disburse funds that Congress has appropriated to the States and others.
- On the other hand, if the Court denies the TRO, the funding that the States and others are presumably due under law is in an indefinite limbo—a hardship worsened by the fact that the States had less than 24 hours’ notice to act in anticipation of the funding shortfall.
- The fact that the States have shown a likelihood of success on the merits strongly suggests that a TRO would serve the public interest. Moreover, the

public interest further favors a TRO because absent such an order, there is a substantial risk that the States and its citizens will face a significant disruption in health, education, and other public services that are integral to their daily lives due to this pause in federal funding.

The evidence in the record at this point shows that, despite the rescission of the OMB Directive, the Executive’s decision to pause appropriated federal funds “remains in full force and effect.” ECF No. 44.

#### **Mootness**

The Defendants now claim that this matter is moot because it rescinded the OMB Directive. But the evidence shows that the alleged rescission of the OMB Directive was in name-only and may have been issued simply to defeat the jurisdiction of the courts. The substantive effect of the directive carries on.

Messaging from the White House and agencies proves the point. At 2:04 EST, less than an hour before the Court’s hearing on the States’ motion on Wednesday, the Defendants filed a Notice saying, “OMB elected to rescind that challenged Memorandum. *See OMB Mem. M-25-14, Rescission of M-25-13* (Jan. 28, 2025) (‘OMB Memorandum M-25-13 is rescinded.’).” ECF No. 43. Yet about twenty minutes before the Defendants filed the Notice, the President’s Press Secretary sent a statement via the X platform that said: “The President’s [Executive Orders] EO’s on federal funding remain in full force and effect and will be rigorously implemented.” ECF No. 44. And then the following day (January 30, 2025 at 7:50 MST and again at 5:27 p.m. EST) after the so-called rescission, the Environmental Protection Agency, in an email to

federal grant recipients, said that the awarded money could not be disbursed while it worked “diligently to implement the [OMB] Memorandum, Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs, to align Federal spending and action with the will of the American people as expressed through President Trump’s priorities. The agency is temporarily pausing all activities related to the obligation or disbursement of EPA Federal financial assistance at this time. EPA is continuing to work with OMB as they review processes, policies, and programs, as required by the memorandum.” ECF No. 48-1 at 6, 11.

Based on the Press Secretary’s unequivocal statement and the continued actions of Executive agencies, the Court finds that the policies in the OMB Directive that the States challenge here are still in full force and effect and thus the issues presented in the States’ TRO motion are not moot.

### Conclusion

Consistent with the findings above, and to keep the status quo, the Court hereby ORDERS that a TEMPORARY RESTRAINING ORDER is entered in this case until this Court rules on the States’ forthcoming motion for a preliminary injunction, which the States shall file expeditiously.

During the pendency of the Temporary Restraining Order, Defendants shall not pause, freeze, impede, block, cancel, or terminate Defendants’ compliance with awards and obligations to provide federal financial assistance to the States, and Defendants shall not impede the States’ access to such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms.

If Defendants engage in the “identif[ication] and review” of federal financial assistance programs, as identified in the OMB Directive, such exercise shall not affect a pause, freeze, impediment, block, cancellation, or termination of Defendants’ compliance with such awards and obligations, except on the basis of the applicable authorizing statutes, regulations, and terms.

Defendants shall also be restrained and prohibited from reissuing, adopting, implementing, or otherwise giving effect to the OMB Directive under any other name or title or through any other Defendants (or agency supervised, administered, or controlled by any Defendant), such as the continued implementation identified by the White House Press Secretary’s statement of January 29, 2025. ECF No. 44.

Defendants’ attorneys shall provide written notice of this Order to all Defendants and agencies and their employees, contractors, and grantees by Monday, February 3, 2025, at 9 a.m. Defendants shall file a copy of the notice on the docket at the same time.

Defendants shall comply with all notice and procedural requirements in the award, agreement, or other instrument relating to decisions to stop, delay, or otherwise withhold federal financial assistance programs.

The TRO shall be in effect until further Order of this Court. A preliminary hearing, at which time the States will have to produce specific evidence in support of a preliminary injunction, will be set shortly at a day and time that is convenient to the parties and the Court.

IT IS SO ORDERED.

*s/John J. McConnell, Jr.*

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John J. McConnell, Jr.  
Chief Judge  
United States District Court for the District of Rhode Island

January 31, 2025

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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STATE OF NEW YORK; STATE OF )  
CALIFORNIA; STATE OF ILLINOIS; )  
STATE OF RHODE ISLAND; STATE OF )  
NEW JERSEY; COMMONWEALTH OF )  
MASSACHUSETTS; STATE OF )  
ARIZONA; STATE OF COLORADO; )  
STATE OF CONNECTICUT; STATE OF )  
DELAWARE; THE DISTRICT OF )  
COLUMBIA; STATE OF HAWAII; )  
STATE OF MAINE; STATE OF )  
MARYLAND; STATE OF MICHIGAN; )  
STATE OF MINNESOTA; STATE OF )  
NEVADA; STATE OF NORTH )  
CAROLINA; STATE OF NEW MEXICO; )  
STATE OF OREGON; STATE OF )  
VERMONT; STATE OF WASHINGTON; )  
and STATE OF WISCONSIN, )  
Plaintiffs, )  
v. )  
DONALD TRUMP, *in his Official* )  
*Capacity as President of the United* )  
*States; U.S. OFFICE OF* )  
*MANAGEMENT AND BUDGET;* )  
MATTHEW J. VAETH, *in his Official* )  
*Capacity as Acting Director of the U.S.* )  
*Office of Management and Budget; U.S.* )  
DEPARTMENT OF THE TREASURY; )  
SCOTT BESENT, *in his Official* )  
*Capacity as Secretary of the Treasury;* )  
PATRICIA COLLINS, *in her Official* )  
*Capacity as Treasurer of the U.S.; U.S.* )  
DEPARTMENT OF HEALTH AND )  
HUMAN SERVICES; DOROTHY A. )  
FINK, M.D., *in her Official Capacity As* )  
*Acting Secretary Of Health And Human* )  
*Services; U.S. DEPARTMENT OF* )  
EDUCATION; DENISE CARTER, *in her* )  
*Official Capacity as Acting Secretary of* )  
*Education; U.S. FEDERAL* )  
EMERGENCY MANAGEMENT )  
AGENCY; CAMERON HAMILTON, *in* )  
C.A. No. 25-cv-39-JJM-PAS

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*his Official Capacity as Acting )  
Administrator of the U.S. Federal )  
Emergency Management Agency; U.S. )  
DEPARTMENT OF )  
TRANSPORTATION; )  
JUDITH KALETA, in her Official )  
Capacity as Acting Secretary of )  
Transportation; U.S. DEPARTMENT OF )  
LABOR; VINCE MICONE, in his Official )  
Capacity as Acting Secretary of Labor; )  
U.S. DEPARTMENT OF ENERGY; )  
INGRID KOLB, in her Official Capacity )  
as Acting Secretary of the U.S. )  
Department of Energy; U.S. )  
ENVIRONMENTAL PROTECTION )  
AGENCY; JAMES PAYNE, in his Official )  
Capacity as Acting Administrator of the )  
U.S. Environmental Protection Agency; )  
U.S. DEPARTMENT OF HOMELAND )  
SECURITY; KRISTI NOEM, in her )  
Capacity as Secretary of the U.S. )  
Department of Homeland Security; U.S. )  
DEPARTMENT OF JUSTICE; JAMES R. )  
McHENRY III, in his Official Capacity as )  
Acting Attorney General of the U.S. )  
Department of Justice; THE NATIONAL )  
SCIENCE FOUNDATION; and DR. )  
SETHURAMAN PANCHANATHAN, in )  
his Capacity as Director of the National )  
Science Foundation, )  
Defendants. )*

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## ORDER

The Plaintiff States' Motion for Enforcement of the Temporary Restraining Order ("TRO") (ECF No. 66) is GRANTED.

[It is a] basic proposition that ***all orders and judgments of courts must be complied with promptly.*** \* \* \* Persons who make private determinations of the law and refuse to obey an order generally risk criminal contempt even if the order is ultimately ruled incorrect. The orderly and expeditious administration of justice by the courts requires that an order issued by a court with jurisdiction over the subject matter

and person must be obeyed by the parties until it is reversed by orderly and proper proceedings.

*Maness v. Meyers*, 419 U.S. 449, 458–59 (1975) (citations and quotations omitted) (emphasis added). The Defendants issued a broad, categorical, all-encompassing directive freezing federal funding. The plain language of the TRO entered in this case prohibits all categorical pauses or freezes in obligations or disbursements based on the OMB Directive or based on the President’s 2025 Executive Orders.<sup>1</sup> The Defendants received notice of the TRO, the Order is clear and unambiguous, and there are no impediments to the Defendants’ compliance with the Order.

The States have presented evidence in this motion that the Defendants in some cases have continued to improperly freeze federal funds and refused to resume disbursement of appropriated federal funds. *See* Exhibits A-C of the States’ motion, (ECF Nos. 66-1, 66-2, and 66-3). The Defendants now plea that they are just trying to root out fraud. *See* ECF No. 70. But the freezes in effect now were a result of the broad categorical order, not a specific finding of possible fraud. The broad categorical and sweeping freeze of federal funds is, as the Court found, likely unconstitutional and has caused and continues to cause irreparable harm to a vast portion of this country. These pauses in funding violate the plain text of the TRO.<sup>2</sup> In response to

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<sup>1</sup> The Defendants acknowledged that they understood what the TRO required: “Federal agencies cannot pause, freeze, impede, block, cancel, or terminate any awards or obligations on the basis of the OMB Memo, *or on the basis of the President’s recently issued Executive Orders.*” ECF No. 51-1 at 1 (emphasis added).

<sup>2</sup> The Court disagrees with the Defendants’ Notice (ECF No. 51), particularly paragraph 2. The Court’s TRO is clear and unambiguous in its scope and effect, which is inconsistent with the Defendant’s interpretation contained in the Notice. ECF No. 51 at 2.

the Defendants' arguments, they can request targeted relief from the TRO from this Court where they can show a specific instance where they are acting in compliance with this Order but otherwise withholding funds due to specific authority.

Therefore, consistent with the United States Constitution, United States statutes, United States Supreme Court precedent, and the TRO, the Defendants are hereby further **ORDERED** as follows:

1. The Defendants must immediately restore frozen funding during the pendency of the TRO until the Court hears and decides the Preliminary Injunction request.
2. The Defendants must immediately end any federal funding pause during the pendency of the TRO.
3. The Defendants must immediately take every step necessary to effectuate the TRO, including clearing any administrative, operational, or technical hurdles to implementation.
4. The Defendants must comply with the plain text of the TRO not to pause any funds based on pronouncements pausing funding incorporated into the OMB Directive, like Section 7(a) of the *Unleashing* Executive Order, and the OMB *Unleashing* Guidance. The TRO requirements include any pause or freeze included in the *Unleashing* Guidance.
5. The Defendants must immediately restore withheld funds, including those federal funds appropriated in the Inflation Reduction Act and the

Infrastructure Improvement and Jobs Act. The directives in OMB M-25-11 are included in the TRO.

6. The Defendants must resume the funding of institutes and other agencies of the Defendants (for example the National Institute for Health) that are included in the scope of the Court's TRO.

IT IS SO ORDERED.

*/s/John J. McConnell, Jr.*

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John J. McConnell, Jr.  
Chief Judge  
United States District Court for the District of Rhode Island

February 10, 2025